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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/810,620	02/28/97	HICKMAN	P ENVSP025A

EXAMINER	
DINH, D	
ART UNIT	**PAPER NUMBER**
2153	17

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DATE MAILED: 02/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	08/810,620	HICKMAN, PAUL L.	
	Examiner	Art Unit	
	Dung Dinh	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17,21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17,21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☒ Notice of References Cited (PTO-892)
16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
18)☐ Interview Summary (PTO-413) Paper No(s). _____ .
19)☐ Notice of Informal Patent Application (PTO-152)
20)☐ Other: .

DETAILED ACTION

Claims 1+4 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 08/798,704. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim recite essentially equivalent limitations as follow:

Claim 1 of present application:	Claim 1 of 08/798,704:
a plurality of network accessible computers … which permit … to operate as host computers for client computers	a host computer coupled to said network and being accessible by said client computer …
… whereby input device of said clients computers can be used to generate input to said host computers …	… said host computer is responsive to inputs of said client computer …
(Claim 4) wherein said network is TCP/IP, … said host programs transmit image information to said client computers … for display in browser window of browser program running on the client computers.	(line 4) …said client computer running a browser program displaying a browser window … (line 13) … said host transmitting image update to said client computer…

Claim 1 of 08/798,704 does not recite a cluster administration computer. However, It would have been obvious for one of ordinary skill in the art to provide a cluster administration

computer because it would have enable central control of the remote access and tracking/accounting purposes.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 1 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending Application No. 08/799,787. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim recite essentially equivalent limitations as follow:

Claim 1 of present application:	Claim 1 of 08/799,787:
a plurality of network accessible computers … which permit … to operate as host computers for client computers	a client machine … a host computer …
a cluster administration computer …	an administration computer …

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim 13-15 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 33 of copending Application No. 08/799,787. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claim recite essentially equivalent limitations as follow:

Claim 13 of present application:	Claim 33 of 08/799,787:
receiving request for a host computer … determining suitable host computer	choosing a suitable network accessible computer …
informing said client of the network address of said suitable host computer	providing client machine with connection information about the accessible computer

Claim 1 of 08/798,787 does not recite a cluster administration computer. However, It would have been obvious for one of ordinary skill in the art to provide a cluster administration computer because it would have enable central control of the remote access and tracking/accounting purposes.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 2, 3, and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Stoel et al. US patent 5,675,828.

As per claim 1, Stoel teaches a cluster computer system comprising:

a plurality of network accessible computers [fig.2 games engines 58], each including a central processing unit and non-volatile memory [inherent in each game engine], where each of said computers is connected to a network [MATV], where the computer implement host computer programs [games] which permit the computers to operate as host computers [game engines] for client computers [guest terminals] coupled to the network, the client computers controlling the functionality of the host computers [games engines], input devices [game controllers] at the client computer can be used to generate inputs to the host computers [see col.8 lines 39-51], and such that image information

generated by the host computers can be view by the client computers [col.8 lines 45-51]; and

a cluster administration computer [fig.2 host computer 30] coupled to the network accessible computers [game engines] to monitor the operation of said accessible computers [col.3 lines 8-10].

As per claim 2, Stoel teaches plurality of communication channels [fig.2, col.3 lines 8-64].

As per claim 3, it is inherent in the accessible computer has bus controller [internal hardware circuitry of the game engine] and volatile memory [for storage of downloaded program - see col.8 line 8].

As per claims 13 and 18, they are rejected under similar rationale as for claim 1 above. Stoel teaches providing network address by the administration computer such the client computer [guest terminal] become associated with the host computer [game engine] - (see col.8 lines 23-38 "response position").

As per claim 14, it is apparent that the administration computer would have to choose an accessible computer that is available and can run the game requested by the user.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> *(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

Claims 4-12, 21, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoel et al. US patent 5,675,828 and further in view of Frese et al. US patent 5,909,545.

As per claim 4, Stoel does not teaches using TCP/IP and client with web browser. Frese teaches a system for remotely controlling application programs running in a host computer over the Internet using a browser at the client computer. It would have been obvious for one of ordinary skill in the art to modify Stoel to use TCP/IP and browser because it would have expand the system for use over the Internet.

As per claims 5-12, 21, and 22, the recited limitations are inherent in the system as modified.

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoel et al. US patent 5,675,828.

As per claim 15, Stoel does not teach loading personal state of a client. It would have been obvious for one of ordinary skill in the art to provide saving and loading client state because it would have enabled the client to restart where he left off.

As per claim 16, Stoel teaches resetting the network accessible computer [apparent from col.10 line 54]

As per claim 17, it is apparent a program can be embodied on a computer readable medium.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

(703) 305-9731 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA, Sixth Floor (Receptionist).

Dung Dinh
Primary Examiner
February 26, 2001